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EXAMINER

ALBERTALLI, BRIAN LOUIS

| ART UNIT | PAPER NUMBER |
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2655

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,154

Applicant(s)

GASPER ET AL.

Examiner

Brian L. Albertalli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12 are drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and

other claimed elements of a computer, which permit the computer program's functionality to be realized.

In this case, claims 1-12 are directed to "an operating system", and the claimed subject matter pertains to an "operating system comprising...". This is clearly a listing of a program, as no tangible computer readable medium comprising the operating system has been claimed.

To overcome this deficiency, independent claims 1, 3, and 11 should be amended to include language such as "An operating system embodied on a computer readable medium which displays text...".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Silver et al. (U.S. Patent 5,499,335).

In regard to claim 1, Silver et al. disclose an operating system (Fig. 1, 23) which displays text during operation (string resources, column 4, lines 2-12), the operating system comprising:

a user operating system including one or more lines of code that incorporate text using unique identifiers (resources utilized for display are stored according to Fig. 2,

column 3, lines 57-58; operating system 23 utilizes each version of a resource identified by a distinctive resource type ID, column 5, lines 20-32);

a national language database storing a plurality of lines of text in a first language and a second language, the second language being different than the first language, wherein each of the plurality of lines of text is referenced by one of the unique identifiers (see Fig. 2, string resources 30A-30N in a plurality of languages, column 4, lines 9-29); and

an editor for specifying one of the first and second languages, so that the user operating system incorporates the text in the specified language (user interface for changing natural languages, column 6, lines 46-64).

In regard to claim 13, Silver et al. discloses a method of displaying text during operation of an operating system, the method comprising:

specifying one of a first language and a second language (Fig. 8, step 100, column 6, lines 56-58);

running a user operating system, the user operating system including one or more lines of code that incorporate text using unique identifiers (resources utilized for display are stored according to Fig. 2, column 3, lines 57-58; Fig. 1, operating system 23 utilizes each version of a resource identified by a distinctive resource type ID, column 5, lines 20-32);

a library containing a plurality of lines of text in the first language for use by the user operating system, wherein each of the plurality of lines of text is referenced by one

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of the unique identifiers (Fig. 2, English standard resources 26A, 28A, and 30A, column 4, lines 9-17);

a national language database storing a plurality of lines of text in the second language, the second language being different than the first language, wherein each of the plurality of lines of text is referenced by one of the unique identifiers (Arabic standard resources 26B, 28B, and 30B);

incorporating the text in the specified language and displaying the text in the specified language (Fig. 8, step 104, the natural language of each of the windows is updated to reflect the user's choice of language, column 6, lines 58-64).

In regard to claim 15, Silver et al. discloses a method of displaying text during operation of an operating system, the method comprising:

specifying one of a first language and a second language (Fig. 8, step 100, column 6, lines 56-58);

running a user operating system, the user operating system including one or more lines of code that incorporate text using unique identifiers (resources utilized for display are stored according to Fig. 2, column 3, lines 57-58; Fig. 1, operating system 23 utilizes each version of a resource identified by a distinctive resource type ID, column 5, lines 20-32);

a national language database storing a plurality of lines of text in the first language and in the second language, the second language being different than the first language, wherein each of the plurality of lines of text is referenced by one of the unique

identifiers (see Fig. 2, string resources 30A-30N in a plurality of languages, column 4, lines 9-29);

incorporating the text in the specified language and displaying the text in the specified language (Fig. 8, step 104, the natural language of each of the windows is updated to reflect the user's choice of language, column 6, lines 58-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al., in view of Official Notice.

Silver et al. disclose the selection step through the editor (user interface) updates the current operating system default language to the selected language (column 6, lines 56-58). Silver et al. further disclose the operating system default language is predefined by the operating system (indicating that it must be available upon startup of the operating system, column 5, lines 14-19) and indicates the operating system is a modification of the industry standard Windows operating system (column 3, lines 59-65). As is well known in the art, the Windows operating system includes a system registry for configuring the operating system.

Silver et al. do not specifically disclose that setting a flag in the system registry specifies the operating system language.

Official notice is taken that it is notoriously well known in the art to set a flag in an operating system registry to configure the operating system according to user-defined preferences.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Silver et al. so that the operating system default language was set by setting a flag in the system registry since, as is well known in the art, setting a flag in the system registry provides a single location where applications can find the required information to display the operating system according to user preferences.

6. Claims 3-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al., in view of the Applicant's Admitted Prior Art.

In regard to claim 3, Silver et al. disclose an operating system (Fig. 1, 23) which displays text during operation (string resources, column 4, lines 2-12), the operating system comprising:

a user operating system including one or more lines of code that incorporate text using unique identifiers (resources utilized for display are stored according to Fig. 2, column 3, lines 57-58; operating system 23 utilizes each version of a resource identified by a distinctive resource type ID, column 5, lines 20-32);

a library containing a plurality of lines of text in the first language for use by the user operating system, wherein each of the plurality of lines of text is referenced by one

of the unique identifiers (Fig. 2, English standard resources 26A, 28A, and 30A, column 4, lines 9-17);

a national language database storing a plurality of lines of text in the second language, the second language being different than the first language, wherein each of the plurality of lines of text is referenced by one of the unique identifiers (Arabic standard resources 26B, 28B, and 30B);

an editor for specifying one of the first and second languages, so that the user operating system incorporates the text in the specified language (user interface for changing natural languages, column 6, lines 46-64).

Silver et al. do not disclose a machine control operating system (for controlling the movement of e.g. robot arms of an assembly machine).

The Applicant's admitted prior art discloses machine control operating systems are for controlling the operation of machines are conventional and known to those of ordinary skill in the art (page 6, lines 9-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Silver et al. to include a machine control operating system, so that the movement of an actual machine could be controlled.

In regard to claim 4, Silver et al. disclose the library contains a default language which is to be used if the text in the specified language cannot be found in the national language database (column 5, lines 13-14).

In regard to claim 5, Silver et al. disclose the national language database further contains an additional plurality of lines of text in a third language, the third language being different than the first language and the second language, wherein each of the additional plurality of lines of text is referenced by one of the unique identifiers (Fig. 2, German resources 26C, 28C, and 30C).

In regard to claim 6, Silver et al. disclose the library contains a default language which is to be used if the text in the specified language cannot be found in the national language database (column 5, lines 13-14).

In regard to claims 7 and 8, Silver et al. disclose the user operating system and the library are both contained in a same dynamic link library (resources are dynamically loaded as required and shared amongst multiple programs, column 3, lines 35-44; this is equivalent to a dynamic linked library).

In regard to claim 11, Silver et al. disclose Silver et al. disclose an operating system (Fig. 1, 23) which displays text during operation (string resources, column 4, lines 2-12), the operating system comprising:

a user operating system including one or more lines of code that incorporate text using unique identifiers (resources utilized for display are stored according to Fig. 2, column 3, lines 57-58; operating system 23 utilizes each version of a resource identified by a distinctive resource type ID, column 5, lines 20-32);

a national language database storing a plurality of lines of text in a first language and a second language, the second language being different than the first language, wherein each of the plurality of lines of text is referenced by one of the unique identifiers (see Fig. 2, string resources 30A-30N in a plurality of languages, column 4, lines 9-29)

an editor for specifying one of the first and second languages, so that the user operating system incorporates the text in the specified language (user interface for changing natural languages, column 6, lines 46-64).

Silver et al. do not disclose a machine control operating system (for controlling the movement of e.g. robot arms of an assembly machine).

The Applicant's admitted prior art discloses machine control operating systems are for controlling the operation of machines are conventional and known to those of ordinary skill in the art (page 6, lines 9-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Silver et al. to include a machine control operating system, so that the movement of an actual machine could be controlled.

7. Claims 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al., in view of the Applicant's admitted prior art, and further in view of Official Notice.

Silver et al. disclose the selection step through the editor (user interface) updates the current operating system default language to the selected language (column 6, lines 56-58). Silver et al. further disclose the operating system default language is predefined

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by the operating system (indicating that it must be available upon startup of the operating system, column 5, lines 14-19) and indicates the operating system is a modification of the industry standard Windows operating system (column 3, lines 59-65). As is well known in the art, the Windows operating system includes a system registry for configuring the operating system.

Silver et al. and the Applicant's admitted prior art do not specifically disclose that setting a flag in the system registry specifies the operating system language.

Official notice is taken that it is notoriously well known in the art to set a flag in an operating system registry to configure the operating system according to user-defined preferences.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Silver et al. and the Applicant's admitted prior art so that the operating system default language was set by setting a flag in the system registry since, as is well known in the art, setting a flag in the system registry provides a single location where applications can find the required information to display the operating system according to user preferences.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rettig et al. (U.S. Patent 6,252,589), Barnes et al. (U.S. Patent 5,974,372), and Chou (U.S. Patent 5,583,761) disclose additional methods for presenting an operating system in different languages. Vargas (U.S. Patent Application

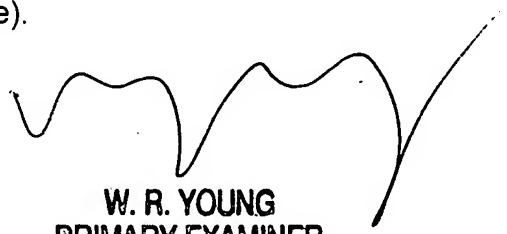
Publication 2002/0116172) is an intervening reference that utilizes DLL's and the system's registry to change the language used in an operating system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 10/31/05



W. R. YOUNG
PRIMARY EXAMINER